

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814

July 19, 1996

ALL COUNTY INFORMATION NOTICE

I-39-96

TO: ALL COUNTY WELFARE DIRECTORS**REASON FOR TRANSMITTAL**

- ☐ State Law Change
- ☐ Federal Law Change
- ☐ Court Order or Settlement Agreement
- ☒ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

SUBJECT: TREATMENT OF SUSPENDED SUPPLEMENTARY SECURITY INCOME/STATE SUPPLEMENTARY PAYMENT(SSI/SSP) PROGRAM BENEFITS IN THE FOOD STAMP PROGRAM.

REFERENCE: ALL COUNTY LETTER NO. 95-80

This notice provides County Welfare Departments (CWDs) with additional guidelines regarding the treatment of income in the Food Stamp Program (FSP) for individuals who are suspended from receiving SSI/SSP benefits by the Social Security Administration (SSA) due to their failure to meet an eligibility factor.

As indicated in All County Letter (ACL) 95-80 dated December 21, 1995, recent changes have occurred in the SSI Program for individuals in receipt of SSI/SSP whose disability is based on Drug Addiction and Alcoholism (DA&A). These persons will be suspended if they fail to comply with rehabilitation treatment requirements. (Public Law 104-121, signed into law on March 29, 1996, mandates that no new applications for SSI/SSP may be approved on or after that date solely based on DA&A disability. Current DA&A recipients have been given the opportunity to request that their cases be reviewed for other disabilities. If none is established, they will no longer be eligible effective January 1, 1997.)

For Food Stamp Program purposes, individuals whose SSI/SSP benefits are suspended are not eligible to receive FSP benefits (Manual Section [M.S.] 63-402.225). However, in DA&A suspended cases, individuals are not precluded from receiving AFDC due to non-receipt of SSI/SSP benefits. Those persons may receive AFDC if otherwise eligible. As a result, several inquiries have been received from CWDs regarding the treatment of income and in particular the treatment of the AFDC grant in the FSP.

The following questions and answers provide clarification to the treatment of such income for DA&A suspended individuals:

Question:

1. There are situations where SSI/SSP recipients are being suspended for two months for failure to comply with their alcohol or drug treatment program requirements and they may be aided under the AFDC program if otherwise eligible. How is the SSI/SSP suspended individual identified in the FSP case? Is the individual still a non-household member or an excluded member?

Answer:

In accordance with M.S. 63-402.22 this individual shall be included as a member of the household for the purpose of defining a household. However, such individual shall be treated as non-household member for the purpose of determining household size, eligibility and benefit level per M.S. 63-503.443.

Question:

2. How is the SSI/SSP suspended individual's income to be treated?

Example: The household consists of an adult (mother) and her two children. The mother receives SSI/SSP and \$490 in AFDC for her children. The SSI/SSP mother also has earnings of \$100 per month.

In January the mother is suspended from SSI/SSP for failure to cooperate with her treatment program. She is added to the AFDC grant effective 1/1/96 and her grant is increased to \$607.

Answer:

In accordance with M.S. 63-503.45 the income and resources of excluded household members shall not be considered available to the household. In the situation cited, the \$607.00 grant amount is subject to proration among the three members who are in receipt of the AFDC grant. All but the excluded SSI/SSP member's share is considered income to the FSP household.

If you have any questions, please contact David Badal, Food Stamp Program Bureau at (916) 654-1405.



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